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DOC #:

DATE FILED: 10/25/2021

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :
:
-v.- :
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MICHAEL PEARSE, :
:
Defendant. :
:
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FINAL ORDER OF FORFEITURE

S3 15 Cr. 616 (AT)

WHEREAS, on or about August 5, 2021, this Court entered a Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment (the “Preliminary Order of Forfeiture”) (D.E. 836), which ordered the forfeiture to the United States of all right, title and interest of MICHAEL PEARSE (the “Defendant”) in the following property:

- a. Real Property located at 268 Mount Irvine Road, Mount Irvine, NSW, 2786, Australia, also known as Lot Plan LD/DP391063, and any sale proceeds traceable thereto;
- b. Real Property located at 302/6 Belvoir Street, Surry Hills, NSW, 2010, Australia, also known as Certificate of Title Folio Identifier 12/SP62117 and 52/SP62117 and Property Number 2114569, and any sale proceeds traceable thereto;
- c. Real property located at Unit 322 Seascope, Hervey Bay, Queensland, Australia, also known as Lot 322, Plan 225553, County March, and any sale proceeds traceable thereto;
- d. All right, title, and interest in the limited partnership interest in Blackwall Capital Holdings, LP in the name of Michael J. Pearse, equal to 1.5% based on a capital contribution of \$150,000, as well as any future distributions of dividends, including any past unpaid distributions of dividends;
- e. Any and all funds, up to and including \$10,856.16, held in account number 2007375440 at Bank of America in the name of Michael Pearse, d/b/a Devine Elements, and all funds traceable thereto (“BOA Account-1”);

- f. Any and all funds, up to and including \$4,080.49, held in account number 2007876886 at Bank of America in the name of Michael Pearse, and all funds traceable thereto (“BOA Account-2”); and
- g. Any and all funds, up to and including \$20,047.24, held in account number 2007876904 at Bank of America in the name of Michael Pearse, and all funds traceable thereto (“BOA Account-3”)

(a. through d., collectively the “Forfeited Property”);

WHEREAS, on or about August 18, 2021, pursuant to the Order of Forfeiture, the Government received the following funds from Bank of America:

- a. \$10,283.32 in United States currency on deposit in BOA Account-1;
- b. \$4,080.49 in United States currency on deposit in BOA Account-2; and
- c. \$20,047.24 in United States currency on deposit in BOA Account-3;

(a. through c., collectively, the “Forfeited Funds,” together with the Forfeited Property, the “Specific Property”);

WHEREAS, the Preliminary Order of Forfeiture directed the United States to publish, for at least thirty (30) consecutive days, notice of the Preliminary Order of Forfeiture, notice of the United States’ intent to dispose of the Specific Property, and the requirement that any person asserting a legal interest in the Specific Property must file a petition with the Court in accordance with the requirements of Title 21, United States Code, Sections 853(n)(2) and (3). The Preliminary Order of Forfeiture further stated that the United States could, to the extent practicable, provide direct written notice to any person known to have an alleged interest in the Specific Property and as a substitute for published notice as to those persons so notified;

WHEREAS, the provisions of Title 21, United State Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, require

publication of a notice of forfeiture and of the Government's intent to dispose of the Specific Property before the United States can have clear title to the Specific Property;

WHEREAS, the Notice of Forfeiture and the intent of the United States to dispose of the Specific Property was posted on an official government internet site (www.forfeiture.gov) beginning on August 12, 2021, for thirty (30) consecutive days, through September 10, 2021, pursuant to Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty and Maritime Claims and Asset Forfeiture Actions and proof of such publication was filed with the Clerk of the Court on October 22, 2021 (D.E. 850);

WHEREAS, on or about August 24, 2021, Notice of the Preliminary Order of Forfeiture was sent by electronic mail and certified mail, to: Kevin Chen, Boca Raton, Florida 33431 (the "Noticed Party");

WHEREAS, thirty (30) days have expired since final publication of the Notice of Forfeiture and no petitions or claims to contest the forfeiture of the Specific Property have been filed;

WHEREAS, the Defendant and the Noticed Party are the only persons and/or entities known by the Government to have a potential interest the Specific Property; and

WHEREAS, pursuant to Title 21, United States Code, Section 853(n)(7), the United States shall have clear title to any forfeited property if no petitions for a hearing to contest the forfeiture have been filed within thirty (30) days of final publication of notice of forfeiture as set forth in Title 21, United States Code, Section 853(n)(2);

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. All right, title and interest in the Specific Property is hereby forfeited and vested in the United States of America, and shall be disposed of according to law.

2. Pursuant to Title 21, United States Code, Section 853(n)(7), the United States of America shall and is hereby deemed to have clear title to the Specific Property.

3. The United States Department of Treasury (or its designee) shall take possession of the Specific Property and dispose of the same according to law, in accordance with Title 21, United States Code, Section 853(h).

SO ORDERED.

Dated: October 25, 2021
New York, New York



ANALISA TORRES
United States District Judge